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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,679	11/25/2003	Stephan Schaade	1454.1513	3054
21171 7590 12/17/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
PHAN, TRI H				
ART UNIT		PAPER NUMBER		
2416				
MAIL DATE		DELIVERY MODE		
12/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/720,679

Applicant(s)

SCHAAD, STEPHAN

Examiner

TRI H. PHAN

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. This Office Action is in response to the Arguments filed on September 17th, 2008. Claim 11 is now canceled. Claims 1-10 and 12-21 are now pending in the application.

Claim Objections

2. Claims 1-2, 5 and 14 are objected to because of the following formalities:

In claims 1-2, 5, and 14, the terms such as “adapting ... to” (see claim 1, line 12); “to adapt” (see claim 2, line 9); “adapted to” (see claim 5, line 2 and claim 14, line 2) are negative recited claimed limitations. It has been held that such term “adapted to” or claim language that suggests or makes optional and only requires the ability to so perform, but does not require step(s) to be performed. It is suggested applicants change into the positively terms.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Note: The terms such as “adapting ... to”, “to adapt” and “adapted to” are not positive limitations; therefore, the limitation(s) following such terms is/are considered as optional claimed limitation(s). It is suggested applicant change into the positively terms.

4. Claims 1-4, 9-10, 12-13, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art ('**AAPA**') in view of **Balog et al.** (U.S.2002/0022453; hereinafter refer as '**Balog**').

- Regarding claim 1, **AAPA** discloses in Fig. 1 of the present application (Related Art) the teaching of method for connecting a plurality of communication terminals and a plurality of communication devices through a communication network. The method comprises steps of storing a first address in each communication terminal for a connection to a respective home communication device is disclosed in [the address of the first gatekeeper G-A is stored for a connection with the first (home) gatekeeper G-A of the first communication terminal KE1 in the first communication terminal KE1, see paragraph 9, lines 1-4 of the present application]; storing a second address in each communication terminal for a connection to an alternate communication device is disclosed in the address of an alternate gatekeeper is also stored in the first communication terminal KE1, see paragraph 9, lines 6-8 of the present application.

The disclosed **AAPA** (Fig. 1 of the present application) fails to explicitly disclose a methodology of storing a standardized terminal profile in the alternate communication device(s) and adapting the standardized terminal profile to a particular communication terminal, through the second address, such that the particular communication terminal can connect to the alternate communication device. However, such limitation lacks thereof from **AAPA** reference is well known and disclosed by **Balog**.

In an analogous art, **Balog** discloses the system and method for creating a global profile and data type ("*standardized terminal profile*") to associate with user(s) for connecting and

delivering data information (for example see figs. 1-2; page 1, paragraphs [0010-0011], [0022-0023]); and where the global profile is stored in servers (for example see page 3, paragraphs [0029], [0031-0032]).

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to incorporate **Balog's** invention in place of **AAPA's** system to arrive the claimed invention with a motivation to provide a global profile for mapping to associated user profile with specific protocol and content application as disclosed in page 4, paragraph [0035].

- In regard to claim 2, **AAPA** further discloses a method wherein when initiating a connection between the terminal and the alternated device terminal relevant data for the particular communication terminal is sent to alternate communication device. The terminal relevant data comprising of a call number assigned by a home communication device to the particular communication terminal (Terminal specific data is stored in the gatekeeper by means of control of setup connection. The terminal-specific data then includes a call number assigned to the terminal; see paragraph 5, and lines 9-13 of the present application), address information assigned to the particular communication terminal in the communication network is anticipated by (the address is stored in communication terminal for a connection, see paragraph 10, lines 1-2. Also see fig 1, where terminals KE1, KE2 and KE3 comprises of addresses assigned to particular terminals). **AAPA** fails to disclose the terminal relevant data comprising "*asylum information*" to adapt the standardized terminal profile. However, such limitation lacks thereof from **AAPA** reference is well known and disclosed by **Balog**.

In an analogous art, **Balog** discloses a global profile with user profile and attributes fields for mapping to specific user or services preferences (“*asylum information*”; for example see figure 2; page 3, paragraph [0029]).

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to incorporate **Balog**’s invention in place of **AAPA**’s system to arrive the claimed invention with a motivation to provide a global profile for mapping to associated user profile with specific protocol and content application as disclosed in page 4, paragraph [0035].

- Regarding claim 3, **AAPA** further fails to disclose, wherein the terminal relevant data is sent by the particular communication terminal. However, such limitation lacks thereof from **AAPA** reference is well known and disclosed by **Balog**.

In an analogous art, **Balog** further discloses, wherein the device’s location and address information are sent to the system for registration (for example see page 4, paragraph [0036], lines 4-10).

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to incorporate **Balog**’s invention in place of **AAPA**’s system to arrive the claimed invention with a motivation to provide device’s information to the system for establishing communication with the system as disclosed in page 4, paragraph [0036].

- In regard to claims 4 and 13, **AAPA** further fails to disclose, wherein the standardized terminal profile manages a predetermined number of restricted call numbers that can be assigned

to the communication terminals. However, such limitation lacks thereof from **AAPA** reference is well known and disclosed by **Balog**.

In an analogous art, **Balog** further discloses, wherein the standardized terminal profile manages predetermined number of restricted call numbers that can be assigned to the communication terminals (for example see page 3, paragraph [0032]).

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to incorporate **Balog**'s invention in place of **AAPA**'s system to arrive the claimed invention with a motivation to provide specific device's access privileges in establishing communication with the system as disclosed in page 3, paragraph [0032].

- Regarding claim 9-10, **AAPA** does disclose, wherein terminal profile manages authorizations that can be assigned to a communication terminal or to different subscribers (for example see page 2, paragraph [0005], lines 13-15); but fails to explicitly disclose on "*standardized*" terminal profile. However, such limitation lacks thereof from **AAPA** reference is well known and disclosed by **Balog**.

In an analogous art, **Balog** further discloses, wherein the standardized terminal profile ('global profile') manages authorizations that can be assigned to a communication terminal or to different subscribers (user authentication; for example see page 1, paragraph [0002], lines 20-32; page 4, paragraph [0040]).

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to incorporate **Balog**'s invention in place of **AAPA**'s system to arrive the claimed

invention with a motivation to provide authentication process for connecting device to network with security as disclosed in page 1, paragraph [0002], lines 20-32.

- In regard to claim 12, **AAPA** further discloses, wherein the terminal profile is stored in the alternate communication device together with terminal specific data (see page 2, paragraph [0005]); but fails to explicitly disclose “*standardized*” terminal profile. However, such limitation lacks thereof from **AAPA** reference is well known and disclosed by **Balog**.

In an analogous art, **Balog** discloses the system and method for creating a global profile and data type (“*standardized terminal profile*”) to associate with user(s) for connecting and delivering data information (for example see figs. 1-2; page 1, paragraphs [0010-0011], [0022-0023]); and where the global profile is stored in servers (for example see page 3, paragraphs [0029], [0032]).

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to incorporate **Balog**’s invention in place of **AAPA**’s system to arrive the claimed invention with a motivation to provide a global profile for mapping to associated user profile with specific protocol and content application as disclosed in page 4, paragraph [0035].

- Regarding claim 20, **AAPA** discloses a system comprising a plurality of communication devices, a plurality of communication terminals, a communication network connecting the communication terminals to the communication devices (see Fig. 1);

a memory device arranged in each of the communication terminals to store a first address for a connection to a home communication device assigned to the communication terminal is

anticipated by the address of the first gatekeeper G-A is stored for a connection in the first communication terminal KE1 as disclosed in paragraph [0009], lines 1-4 (wherein memory is obvious in gatekeeper for holding information); and

a second address for a connection to an alternate communication device is taught by [the address of an alternate gatekeeper is also stored in the first communication terminal KE1, see paragraph [0009], lines 6-8; however the **AAPA** does not explicitly disclose at least one standardized terminal profile included in terminal-relevant data in the alternate communication device, the standard terminal profile being assignable to different communication terminals when accessing the alternate communication device via the second address. However, such limitation lacks thereof from **AAPA** reference is well known and disclosed by **Balog**.

In an analogous art, **Balog** discloses the system and method for creating a global profile and data type ("*standardized terminal profile*") to associate with user's profile ("*terminal-relevant data*") for connecting and delivering data information (for example see figs. 1-2; page 1, paragraphs [0010-0011], [0022-0023]); and where the global profile is stored in servers ("*alternate communication device*"; for example see page 3, paragraphs [0029], [0031-0032]) and being assigned to any device as specified in page 2, paragraph [0023], lines 12-15.

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to incorporate **Balog**'s invention in place of **AAPA**'s system to arrive the claimed invention with a motivation to provide a global profile for mapping to associated user profile with specific protocol and content application as disclosed in page 4, paragraph [0035].

- In regard to claim 21, **AAPA** teaches of a system, wherein a communication system, the communication network is an IP-based computer network, and the communication terminals are IP-enabled terminals. By disclosing in Fig 1, marked clearly IP-based network connecting terminals to devices where the terminals are also IP-enabled, see paragraph [0004], lines 1-6.

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of the **AAPA** to disclose an IP-enabled system. One is motivated as in such order to process communication through Internet, e.g. IP network.

5. Claims 5-8 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art ('**AAPA**') in view of **Balog et al.** (U.S.2002/0022453) as applied to claims 13-16 in part 4 above of this office action, and further in view of **Delis et al.** (U.S.6,119,001; hereinafter refer as '**Delis**').

- In regard to claim 5 and 14, the combination of **AAPA** and **Balog** does disclose, wherein if the standardized terminal profile ('global profile') is adapted to the particular communication terminal through the second address for duration of the connection (for example see figs. 6-7; pages 4-5; paragraph [0041]; wherein devices 52/54 act as intermediate device, e.g. "*second address*", for providing services to devices 54/56); but fails to explicitly disclose wherein a "temporary call number" is assigned to the particular communication terminal by the alternate communication device for duration of the connection. However, such limitation lacks thereof from the combination of **AAPA** and **Balog** reference is well known and disclosed by **Delis**.

In an analogous art, **Delis** discloses a method and system for activation service of roamer mobile station in a visited network home location register, wherein if the terminal profile is adapted to the particular communication terminal, through the second address (The default subscriber profile for the mobile station is then retrieved from the home location register, and delivered to the visitor location register see col. 6, lines 57-60), a temporary call number (temporary subscriber number 'TSNB') is assigned to the particular communication terminal by the alternate device for the duration of the connection (The activation procedure includes as one action, the selection of a temporary subscriber number for the mobile station, see col. 5, lines 77-80).

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to incorporate **Delis**'s invention in place of the combination of **Balog** and **AAPA**'s system to arrive the claimed invention with a motivation to provide temporary subscriber number 'TSNB' for device, in establishing communication with the system, when roaming in a visited network home location register as disclosed in col. 1, line 55 through col. 2, line 10.

- Regarding claims 6 and 15, the combination of **AAPA** and **Balog** further fails to disclose, a "*home call number*" is used instead of the temporary allocated call number ('TSNB'), for communication between the home communication device and the particular communication terminal is transmitted to the alternate communication device by the particular communication terminal. However, such limitation lacks thereof from the combination of **AAPA** and **Balog** reference is well known and disclosed by **Delis**.

In an analogous art, **Delis** further discloses, for a connection initialized by the particular communication terminal, a home call number used for communication between the home communication device and the particular communication terminal is transmitted to alternate communication device by the particular communication terminal (call origination and call delivery requests made to the home location register relating to the mobile station will be recognized, see col. 5, lines 42-54, and fig. 3), and the home call number is used instead of the temporary allocated call number (the subscriber connects with the assignment of a roaming directory number in the home location register, see col. 1, lines 12-15).

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to incorporate **Delis**'s invention in place of the combination of **Balog** and **AAPA**'s system to arrive the claimed invention with a motivation to provide a call delivery request made to the home location register for mobile station, when roaming in a visited network home location register as disclosed in col. 5, lines 42-54.

- In regard to claims 7 and 16, the combination of **AAPA** and **Balog** further fails to disclose "*a call number of the alternate communication device*" assigned to the VIP subscriber for the duration of the connection. However, such limitation lacks thereof from the combination of **AAPA** and **Balog** reference is well known and disclosed by **Delis**.

In an analogous art, **Delis** further discloses, for a VIP subscriber assigned to a communication terminal, a call number of the alternate communication device assigned to the VIP subscriber for the duration of the connection (if the roamer mobile station should thereafter make another registration, or if a traffic event relating to the mobile station should occur, the

mobile station is defined in the network with a service profile and a temporary subscriber call number, see col. 5, lines 42-54).

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to incorporate **Delis**'s invention in place of the combination of **Balog** and **AAPA**'s system to arrive the claimed invention with a motivation to provide a call delivery request made to the home location register for mobile station, when roaming in a visited network home location register as disclosed in col. 5, lines 42-54.

- Regarding claims 8 and 17, the combination of **AAPA** and **Balog** further discloses, during a connection setup with the particular communication terminal, a call is diverted from the home communication device to the alternate communication device (for example see figs. 6-7; pages 4-5; paragraph [0041]; wherein devices 52/54 act as intermediate device ("*second address*") in providing services to devices 54/56).

- In regard to claims 18-19, the combination of **AAPA** and **Balog** further discloses, wherein terminal profile manages authorizations that can be assigned to a communication terminal or to different subscribers (**AAPA**: for example see page 2, paragraph [0005], lines 13-15). **Balog** also discloses, wherein the standardized terminal profile ('global profile') manages authorizations that can be assigned to a communication terminal or to different subscribers (user authentication; for example see page 1, paragraph [0002], lines 20-32; page 4, paragraph [0040]).

Response to Amendment/Arguments

6. Applicant's arguments filed on September 17th, 2008 with respect to claims 1-10 and 12-21 have been fully considered but they are not persuasive.

In the REMARKS, pages 6-10, Applicant mainly argues that **Balog** fails to disclose the fourth clause of claim 1, e.g. *"storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device"*. Applicant further asserts that **Balog** also fails to disclose the fifth clause of claim 1, e.g. *"adapting the standardized terminal profile to a particular communication terminal, such that the particular communication terminal, when accessing the alternate communication device via the second address, can connect to the alternate communication device"*. Examiner respectfully disagrees

First, **Balog** discloses the global profile (see fig. 2), e.g. *"standardized terminal profile"*, which represents profile for any one of the devices or one particular device localized around the environment (see page 2, para 23, lines 12-15) and can be stored in one or more personalization servers (see page 3, para 29, lines 1-18); or in one or more user devices 16 (see fig. 1; page 3, para 31, lines 1-7), e.g. *"storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices ... alternate communication device"*.

Second, both **AAPA** and **Balog** also discloses the communication device communicate with others through the use of terminal profile stored in alternate gatekeeper (see 'terminal profile' stored in home gatekeeper and alternate gatekeepers in fig. 1 of AAPA; pages 2-3, paras 5-12) or global profile stored in particular device or any one of the devices (see Balog: figs. 1, 6; page 3, para 29, lines 1-18; para 31, lines 1-7), e.g. *"adapting the standardized terminal profile*

to a particular communication terminal, such that the particular communication terminal ... can connect to the alternate communication device.”

Therefore, Examiner concludes that **Balog** teaches the arguable features.

Further, there is nothing in the applicant’s specification that **specifically defines** the “*standardized terminal profile*”; therefore, the examiner interprets the **Balog**’s ‘global profile’ as the applicant’s “*standardized terminal profile*”, since **Balog**’s ‘global profile’ represents a personal, customized environment that is localized around any one of the devices or one particular device as specified in page 2, para 23, lines 12-15.

Claim 20 is argued with same reason with respect to argument in claim 1.

Claims 2-10, 12-19 and 21 are rejected as in Parts 4 and 5 above of this Office action and by virtue of their dependence from claims 1 and 20.

Conclusion

7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tri H. Phan/

Primary Examiner, Art Unit 2616

December 17, 2008